

Dear Tribal Leader:

The Tribal Solid Waste Interagency Workgroup (Workgroup) is soliciting proposals for its Tribal Open Dump Cleanup Project (Cleanup Project). The purpose of the Cleanup Project is to assist tribes with closure or upgrade of high priority waste disposal sites and simultaneously demonstrate the Federal government's ability to provide comprehensive solid waste funding and technical assistance to tribes. The Workgroup plans to use the information gathered from the Cleanup Project to devise a strategy for supporting tribes in addressing their solid waste management needs.

The Tribal Solid Waste Interagency Workgroup was established in April 1998 to design a Federal plan for helping tribes bring their waste disposal sites into compliance with the municipal solid waste landfill criteria (40 CFR Part 258), i.e., closing or upgrading open dumps and planning for appropriate alternative disposal. The participating agencies are working together to maximize the effect of our assistance to tribes in addressing their solid waste management needs. Current workgroup members include representatives from EPA's Office of Solid Waste and Emergency Response, Office of Enforcement and Compliance Assurance, and American Indian Environmental Office, the Bureau of Indian Affairs, the Indian Health Service, the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, and the Departments of Agriculture (Hazardous Waste Management Group and Rural Utilities Service) and Defense.

Through the Cleanup Project, the Workgroup seeks to fund three to six proposals that support the development and strengthening of tribal or multi-tribal solid waste management programs. Approximately \$1.6 million is available to fund selected proposals with the possibility of additional funds depending on the scope of the individual project. To assist in determining additional potential Federal funding sources, the Workgroup requests tribes to provide documentation of entities that contributed to individual sites.

Specific goals of the Cleanup Project include assisting tribes with 1) completing and implementing comprehensive, integrated waste management plans; 2) developing realistic solid waste management alternatives; 3) closing or upgrading existing open dumps; and 4) developing post-closure programs. In determining whether a site is "high priority," the Workgroup will generally rely on the Indian Health Service's *1997 Report - Open Dumps on Indian Lands*. As the Workgroup acknowledges that an individual tribe may have information on high priority sites that are not included in the *IHS Report*, we have included criteria to enable a tribe to demonstrate that the site represents a serious threat to human health and the environment.

Proposals will be evaluated based on the criteria described in Enclosure 1 by a panel consisting of two representatives from each of BIA, IHS, and EPA and one representative from each of the other Workgroup agencies listed above. The Workgroup plans to select projects

representing small, medium, and large tribes as described in Enclosure 1. Provided that qualifying proposals are received, the Workgroup also plans to select at least one project from Alaska to demonstrate the unique challenges faced by Alaskan Native villages in managing their solid waste. Eligible recipients of funding include Federally-recognized tribes and Alaska Native villages. Multi-tribe 501(c)(3) organizations whose membership consists of Federally-recognized tribes or Alaska Native villages are also eligible. Based on the quality and content of the proposals received, assistance from participating Federal agencies may take the form of financial (e.g., grants, loans, etc.) or technical assistance, or use of equipment.

If your tribe is interested in participating in the Cleanup Project, please review the enclosed project criteria and submit three copies of your proposal, **or** one copy along with a diskette formatted in WordPerfect, to the following address:

Standard Mail Delivery: Tribal Solid Waste Interagency Workgroup, c/o Federal Facilities Enforcement Office, Environmental Protection Agency, 401 M Street SW (MC: 2261A), Washington DC 20460, Attn: Melanie Barger Garvey, **or**

Overnight Delivery: Tribal Solid Waste Interagency Workgroup, c/o Federal Facilities Enforcement Office, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Room 3224, Washington, DC 20004, Attn: Melanie Barger Garvey.

To be considered, proposals must be postmarked no later than April 23, 1999. If you have any questions regarding this request or the Tribal Solid Waste Interagency Workgroup, please contact your regional EPA office **or** one of the following Workgroup representatives:

EPA - Melanie Barger Garvey, 202-260-2579, or Beverly Goldblatt, 703-308-7278

IHS - Steve Aoyama, 301-443-1046

BIA - Jerry Gidner, 202-208-5696.

We hope that through this effort we can move closer to our goal of assisting tribes in addressing the solid waste concerns in a comprehensive manner.

Sincerely,

Craig E. Hooks, Director
Federal Facilities Enforcement Office and
Workgroup Co-chair

Elizabeth A. Cotsworth, Acting Director
Office of Solid Waste and
Workgroup Co-chair

Enclosures

CRITERIA FOR TRIBAL OPEN DUMPS CLEANUP PROJECTS

DESCRIPTION AND PURPOSE: The national Tribal Solid Waste Interagency Workgroup (the Workgroup) is soliciting proposals for its Tribal Open Dump Cleanup Project (Cleanup Project). Approximately \$1.6 million is available to fund selected proposals with the possibility of additional funds depending on the scope of the individual project. The Cleanup Project is part of a Federal effort to help tribes comprehensively address their solid waste needs. The purpose of the Cleanup Project is to assist three to six tribes with closure or upgrade of their high priority waste disposal sites and simultaneously demonstrate the Federal government's ability to provide comprehensive solid waste funding and technical assistance to tribes. The Workgroup plans to use the information gathered from the Cleanup Project to devise a strategy to support tribal efforts to address their solid waste management needs.

The Tribal Solid Waste Interagency Workgroup was established in April 1998 to devise a Federal plan for helping tribes bring their waste disposal sites into compliance with the municipal solid waste landfill criteria (40 CFR Part 258), i.e., closing or upgrading open dumps and planning for appropriate alternative disposal. Current workgroup members include representatives from EPA's Office of Solid Waste and Emergency Response, Office of Enforcement and Compliance Assurance, and American Indian Environmental Office, the Bureau of Indian Affairs, the Indian Health Service, the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, the U.S. Geological Survey, and the Departments of Agriculture (Hazardous Waste Management Group and Rural Utilities Service) and Defense.

ELIGIBILITY - Eligible recipients of funding for the FY 99 Tribal Open Dump Cleanup Project include Federally-recognized tribes and Alaska Native villages. Multi-tribe 501(c)(3) organizations whose membership consists of Federally-recognized tribes or Alaska Native villages are also eligible.

PROPOSAL PROCESS - The Workgroup seeks to fund projects that support the development and strengthening of tribal or multi-tribal solid waste management programs. Specific goals of the Cleanup Project including assisting tribes with 1) completing and implementing comprehensive integrated waste management plans; 2) developing realistic solid waste management alternatives; 3) closing or upgrading existing open dumps; and 4) developing post-closure programs. Based on the quality and content of the proposals received, assistance from participating Federal agencies may take the form of financial (e.g., grants, loans, etc.) or technical assistance, or use of equipment. Proposals will be evaluated based on the criteria listed below.

Proposals should be no more than 10 pages in length, excluding supporting documentation, and

should include the following information.

1. Cover letter identifying project, name of tribe/tribal organization, name, address, and phone/fax numbers of project director, signature of tribal chairman (Federally-recognized tribes) or executive director (tribal consortia).
2. Abstract of less than 200 words summarizing the proposal.
3. Narrative and workplan with estimated timeline.
4. Detailed budget in terms of personnel, fringe benefits, contracts, travel, equipment, supplies and other costs. Appropriate detail and justification to support the narrative and workplan.
5. Letters of commitment from project partners. For tribal consortia, include charter or letters from chairmen of Federally-recognized member tribes.

QUALIFYING - Tribes submitting proposals must meet all of the following criteria. Please describe how your tribe fulfills each criterion and include supporting documentation where appropriate.

Open Dumps

- ! Tribal government or Alaska Native entity has one or more existing open dumps within tribally-owned lands.

Integrated Solid Waste Management Plan

- ! Comprehensive integrated solid waste management plan for community or governmental units is in place or well under development.

Size (This is not a qualifying criterion per se, but will be used for classification purposes)

- ! Describe which population category your tribes falls into. Large >7000; medium 2000-7000; small <2000.

EVALUATIVE - Proposals will be evaluated based on the following criteria. Please describe how your tribe fulfills each criterion and include supporting documentation where appropriate.

Project Description

- ! Cost estimates for closure and post-closure maintenance and alternative waste disposal (e.g., transfer station).
- ! Project schedule and duration.
- ! How will this contribute to tribal capacity building?

Plan of Action

- ! Plan of action addresses the following issues:

ENCLOSURE 1

- ! What is the problem?
 - ! What is the actual or potential impact on human health and environment? (For example, proximity to drinking water wells or surface water, affected populations, disease/vector issues, etc.)
- ! What is the proposed plan for fully characterizing and solving the problem?
- ! How will you know when the problem is solved? What is the expected outcome? How will results be measured?
- ! What steps will the tribe take to prevent recurrence of the problem? What is the proposed alternative? When and how will it be implemented?

Tribal/Community Involvement and Sustainability

- ! Tribal program to keep site closed and prevent new sites from developing, including status of tribal enforcement program.
- ! Demonstrate how your tribe will ensure program continuity.
- ! Education of community members on integrated solid waste management, including proper disposal, waste prevention, recycling, composting, etc.
- ! Community involvement in program implementation.

Integrated Solid Waste Management Plan

- ! Extent to which solid waste management plan is developed. Where tribal council, or equivalent Federally-recognized governing body, has approved comprehensive integrated solid waste management plan, include documentation, such as tribal resolution, approving the plan.

Tribal Prioritization of Sites

- ! The Indian Health Service's *1997 Report Open Dumps on Indian Lands* identified 147 sites as priority for cleanup or other action. The Workgroup acknowledges that some sites included on the IHS list may have closed since the *Report* was published or additional information is now available. Likewise, we are aware that the report does not include some open dump sites in Indian Country. If your tribe believes that a site should be allowed to compete for Cleanup Project funding, please include documentation that includes a showing that 1) the site represents a serious threat to human health and the environment and 2) the site would receive a *score higher than 40* using the approach outlined in Enclosure 2.
- ! Other considerations, including past contamination, impact on subsistence items, etc.

Technical Assistance and Partnerships

- ! Technical assistance from appropriate Federal (BIA, IHS, etc.) or non-Federal sources (adjacent community, state, university) is readily attainable. Tribe has working/workable relationship with that source. Include letters, MOUs, or other relevant documentation.
- ! Partnerships exist or have been sought. Include letters, MOUs, or other relevant documentation that demonstrates relationships with partners.

ENCLOSURE 1

Federal Role

- ! Documented identification of entities that contributed to site. This information will assist in determining potential Federal funding sources for specific projects or sites.

Applied Resources

- ! Tribal contribution of resources to project - manpower, materials, money, etc....

Prior Performance

- ! Tribe's prior performance - capability showing.
Similar experience on similar projects.

DESCRIPTIVE - The following criteria provide explanatory information about the project and will help determine funding and technical assistance needs from participating agencies.

Size - Total, including Indian and non-Indian

- ! Population density (size/land area; people/square mile).
Service density (people/facility). Population within X miles to site - include general description of population proximity to site). Include map of site and surrounding area.

Proximity to Markets

- ! Proximity to compliant disposal site(s), recycling center(s), etc.

Content of and Future Plans for Site

- Is content known or is a site assessment needed?
- ! Is a hazardous pollutant or contaminant suspected at the site?
 - ! Is there a need to better assess the site to determine if there is a hazardous contaminant?
 - ! Is the suspected contaminant strictly petroleum?
- Redevelopment or beneficial reuse plans for site.

Tribal Priority/IHS Priority

- ! Tribal priority and IHS priority in the IHS Sanitation Deficiency System (SDS).

Extracted from APPENDIX A of the 1997 Open Dumps Report

All solid waste systems or open dumps for which a Tribe, Native American Group, or Alaskan Native Organization has operation and maintenance responsibility and/or RCRA compliance responsibility should be included. For purposes of compliance with Public Law 103-399, OPEN DUMPS are defined “A point location for disposal of solid waste used in an intentional, repetitive manner by multiple families”. In addition, the definition of an open dump as provided in CFR 241.101 is used as a supplement: “Land disposal site at which solid wastes are disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, disease vectors and scavengers”. All eligible open dump sites shall be included unless specifically excluded under the provisions of Public Law 103-399. Indian owned solid waste systems for which the Tribe has no legal or operational responsibility should not be included even if they serve substantial Indian populations.

Items to consider:

INDIAN SERVICE POPULATION: Best available estimate of the Indian population served by the solid waste disposal system.

NON-INDIAN SERVICE POPULATION: Best available estimate of the non-Indian population served by the solid waste disposal system.

SYSTEM FENCING: State whether the solid waste disposal facility has adequate fencing.

TRUST LAND: State whether the solid waste disposal facility is located on trust land.

DISPOSAL SYSTEM TYPE: Disposal system type; active or inactive

COVER FREQUENCY: Frequency at which solid waste is provided earthen cover based on a selection from the provided lookup table.

SDS PROJECTS: SDS projects associated with the site

IHS PROJECTS: IHS project numbers that have provided funds for at the solid waste facility or dump site in the past. If funding is provided by other than IHS, enter a description indicating the source of the funds (e.g. EPA, Tribe, State)

FUNDING AMOUNT: State the dollar amount associated with the project or funding sources listed in above, if any.

GEOGRAPHIC LOCATION: Geographical location to be measured in latitude and longitude to the nearest 10 seconds. (approximately equivalent to the nearest 1/4,1/4 section)

SURFACE AREA: Surface area of site (windblown areas excluded).

SITE CONTENTS: Allowable designations of solid waste site content include the following:

Municipal Solid Waste (A): means any *household, commercial/industrial, or institutional* solid waste that legally can be discarded in a municipal landfill under the provisions of the Resource Recovery and Conservation Act, (RCRA), "subtitle D and 40 CFR Subchapter I - Solid Wastes".

Municipal solid waste includes:

- Garbage and trash derived from households, multiple residences, hotels, motels and campgrounds.
- Commercial and industrial waste from stores offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and other similar establishments not meeting the definition of regulated hazardous wastes under subtitle C.
- Institutional wastes include material discarded by schools, hospitals, non-manufacturing activities at prisons, government facilities and other similar facilities.

Sites receiving limited quantities of hazardous or special waste from households shall not be excluded from this classification. This would generally include small amounts of paints, oil, non-segregated medical wastes, batteries, pesticides, and household chemicals that would be discarded in quantities typical of an individual household.

Special Waste (B) shall include solid or other wastes not specifically regulated as hazardous under subtitle C but which are considered to require special handling either due to regulation under other statutes or for worker safety. Segregated infectious and medical wastes, wood pallets, demolition wastes, asbestos materials, household appliances containing environmentally sensitive materials, sewage sludge, septic tank pumpings, motor vehicles/parts, segregated tire piles of 50 or more, and segregated piles of ten or more auto batteries should be included under this classification.

Hazardous Waste (C) shall include those materials listed by EPA under Subtitle C as hazardous. Regulated hazardous wastes are specifically listed in statute and regulations and generally have one or more of the following characteristics; ignitable, corrosive, reactive, or

toxic. Small amounts of hazardous wastes as would be generated by households are excluded. This classification would generally be used when large quantities of segregated hazardous materials are encountered.

Combined Wastes A + B in evidence: note as category (D)

Combined Wastes A + C in evidence: note as category (E)

Combined Wastes A + B + C in evidence: note as category (F)

Combined Wastes B + C in evidence: note as category (G)

HEALTH/ENVIRONMENTAL THREAT: Table A may be used as a guideline for classifying the possible threat to health and environment posed by the solid waste site. Hazard points shall be derived from Table A and used in accordance with the point ranges and descriptors listed below thereby resulting in a high, moderate or low (H, M, or L) threat potential designation for the site. This guideline may be adjusted for Area specific conditions but the H, M, or L designations must be maintained. This Table is intended to be used as a tool in evaluating the site but the final determination of hazard potential should be based on professional judgment. Areas using other criteria are asked to attach a description of the adjustments upon submittal of the data.

Low Hazard:	Points total 13 or less
Moderate Hazard:	Points total 14-29
High Hazard:	Points total 30 or more

Table A

Hazard Point Factors	High Factors	Moderate Factors	Low Factors
Contents	Site Waste Content C, E, F or G (30 points)	Site Waste Content All Categories Except A (hazardous waste < 2% by volume) (15 points)	Site Waste Content A only
Rainfall	high rainfall (>25 in/yr) (4 points)	medium rainfall (10-25 in/yr) (2 points)	low rainfall (<10 in/yr)
Distance to drinking water aquifer	less than 50' (30 points)	51' - 100' 10 points 101'-200' 8 points 201'-600' 4 points	> 600'
Site Drainage	Site drainage increases the likelihood of ground or surface water contamination (8 points)	Moderate drainage - limited ponding - drainage effects largely neutral (2 points)	Site drainage contributes to protection of ground or surface water
Potential to Create Leachate at Site	high probability (4 points)	moderate probability (2 points)	low probability
Distance to domestic water source	less than 1000 ft (4 points)	1000 ft - 5000 ft (2 points)	>5000 ft
Site Accessibility	Unrestricted Access - residences nearby (less than 1 mile) (4 points)	Unrestricted access but remote from population (2 points)	Restricted - controlled access
Frequency of Burning	Frequent burning (weekly) (4 points)	Infrequent burning (monthly) (2 points)	Burning never occurs
Site Materials Exposure to Public & Vectors	surface materials, no cover, scavenging by public (4 points)	materials in open trenches, limited scavenging (2 points)	materials are covered, no scavenging
Degree of Public Concern over Site - Esthetics	Frequent expressions of public concern over the site (4 points)	Little public concern - government awareness only (2 points)	No concern expressed by any entity